

REMARKS

Claim 13 is amended. Claims 13-17 are pending.

The amendments to the claims are based on the application as originally filed, in particular, page 15, last paragraph and FIGS. 1-7, so it is respectfully submitted that no new matter has been added.

In the final office action, claims 13-17 were finally rejected under 35 U.S.C. § 102(b) in view of U.S. Patent Number 5,928,117 to Vittone et al..

Independent claim 13 is amended to recite that the operating apparatus comprises a straight handle shaped to be gripped in a hand of a user. Such a straight handle is clearly shown as elements 30, 130, and 230 in FIGS. 1-7 of the application as originally filed.

Independent claim 13, as amended, is patentable over Vittone, since Vittone does not disclose or suggest all of the elements, steps, and features of the present invention, including a straight handle shaped to be gripped in a hand of a user.

As described on page 2 of the final office action, the embodiment of Vittone in FIG. 7 shows an exercising frame with an operating apparatus, being element 120, and a load group 160. As described in the Advisory Action, Vittone has the member, which may be either pulley 132 or the element 120, which is displaceable between members 124, 126 and the member 120 is slidable along a cable 112, which is connected to a load 144. The device of Vittone in FIG. 7 is described in column 5, lines 28-38 of Vittone.

In the embodiment of Vittone in FIG. 7, the device of Vittone does not disclose or suggest that the operating apparatus includes a straight handle shaped to be gripped in a hand of a user, as in the present invention. On the contrary, the device of Vittone instead has, as the element 120, a padded ring shaped and adapted to accommodate the head of the user, instead of being a straight handle shaped to be gripped in a hand of a user, as in amended claim 13.

Since a padded ring is not equivalent to a straight handle, and since the padded ring is adapted to accommodate the head of the user instead of being adapted to be gripped by the hand of the user, Vittone does not have every element and feature of the present invention, and so Vittone does not anticipate the present invention.

Accordingly, claim 13 is patentable over Vittone, so reconsideration and withdrawal of the rejection are respectfully requested.

Claims 14-17 depend from independent claim 13, and so include the recitation of amended claim 13. For the reasons set forth herein, claims 14-17 are also patentable over Vittone.

Therefore, all pending rejected claims 13-17 are patentable over Vittone, so reconsideration and withdrawal of the final rejection of claims 13-17 are respectfully requested.

Entry and approval of the present amendment and allowance of all pending claims are respectfully requested.

In case of any deficiencies in fees by the filing of the present amendment, the Commissioner is hereby authorized to charge such deficiencies in fees to Deposit Account Number 01-0035.

Respectfully submitted,

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